IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 11507 of 2004

Between:

Palla Ramachandra Rao S/o. Late Appala Narasaiah,

... PETITIONER

AND

1 The District Registrar, Visakhapatnam, Visakhapatnam District.
2 The Sub-Registrar, Town Area, Visakhapatam Visakhapatnam District.
3 The Settlement Officer and Joint Collector, Visakhapatnam, Visakhjapatnam

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the 2nd respondent in refusing to receive the documents and process them for registration, as arbitrary, illegal and without jurisdiction and consequently direct the respondent to receive the documents relating to the lands in Survey Nos. 346/2 to 346/7 and 346/9 situated at Yeguva Thimmapuram Village, Madhuravada,

Visakhapatnam Rural Mandal, Visakhapatnam District and take appropriate action for registering the same without reference to G.O.Ms.No.657, Revenue (Registration) Department Dt. 8.10.2001 and G.O.Ms.No.786 Rev. (Regn) Dept Dt. 9.11.1999.

Counsel for the Petitioner: MR.RAMA RAO GANTA

Counsel for the Respondents: G.P. for Revenue

The Court at the admission stage made the following:

ORDER:

In this writ petition, petitioner complains that his entitlement to Patta under Section 11-A of the Estates Abolition Act, 1948 (for short 'the Act') was recognized by the Director of appeals in the revision filed by the petitioner against the orders passed by the Director of Settlement. It is stated that due to family needs, when the petitioner wanted to sell the property and approached the respondent authorities to register the sale deed in favour of M/s. Bijam Pvt. Ltd., second respondent informed the petitioner that he would neither receive nor register the said document as per the instructions of the first respondent; the said action of the respondents is arbitrary and illegal and unless the lands which are notified as contemplated under Section 22-A of the Act, respondents cannot refuse to register the documents in the guise of G.O.Ms.Nos.657 and 786, Rev. (Registration) Department, Dated 08-10-2001 and 09-11-1999 respectively.

2. Second respondent Sub-Registrar filed counter affidavit stating that petitioner never presented any document pertaining to the survey numbers mentioned in the W.P for registration and if any such document is presented, the same will be processed in accordance with the provisions of the Act.

3. In view of the same, petitioner is at liberty to approach the respondents and submit necessary documents if he wants to

dispose of the property for which Patta was granted to him and which was suspended by the Director of Settlement on appeal filed by the Mandal Revenue Officer. On petitioner presenting such documents, respondents shall process the same and in the event if the said sale deed cannot be registered, necessary orders should be communicated to the petitioner recording the reasons for such rejection in enabling the petitioner to avail the remedies available to him under law.

The writ petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

October 25, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The District Registrar, Visakhapatnam, Visakhapatnam

District.
2 The Sub-Registrar, Town Area, Visakhapatam

Visakhapatnam District.
3 The Settlement Officer and Joint Collector,

Visakhapatnam, Visakhapatnam District.

4 Two C.C.s to the G.P. for Revenue, High Court

Buildings, Hyderabad (OUT)

5 Two C.D. Copies.